

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 32422 of 2007(I)

PETITIONER:

**V.M.ABDUL SATHAR AGED 33 YEARS
S/O. MUHAMMED,VALLIELIL HOUSE,
PARAVUR TALUK
KUNNUKARA VILLAGE,SOUTH ADUVSSERY
ERNAKULAM.**

**BY ADV. SRI.V.S.CHANDRASEKHARAN
SMT.LEKSHMI SWAMINATHAN**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
SECRETARIAT,TRIVANDRUM.**
- 2. THE DIRECTOR
DEPARTMENT OF THE MINING AND GEOLOGY
THRISSUR.**
- 3. REVENUE DIVISIONAL OFFICER,
COLLECTORATE, THRISSUR.**
- 4. THE DISTRICT COLLECTOR
COLLECTORATE, THRISSUR.**
- 5. THE JOINT DIRECTOR
DEPARTMENT OF AGRICULTURE,TRICHUR.**
- 6. GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
THRISSUR.**

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE**

FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 32422 OF 2007 I
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Dated this the 1st day of November, 2007

J U D G M E N T

Ext.P2 is an application made by the petitioner to the 6th respondent for sand dealers licence and on receipt of the same, application is not being entertained for the reason that the District Collector by Ext.P3 has directed that such licence shall be granted only after Revenue Divisional Officer, Geologist and Joint Director, Agriculture inspects the premises. It is only on account of assigning such reason that the application is declined to be entertained.

2. As the issue of sand dealers licence is governed by the provisions contained in the Kerala Minor and Mineral Concession Rules 1976, in terms of the said rules, it is the 6th respondent, who is to consider the applications for licence. 6th respondent being the statutory authority in this matter, his discretion cannot be fettered by anybody, including the District Collector. Therefore, I do not see any legal sanction for the restriction that

has been imposed by the District Collector as per Ext.P3.

3. In view of this, I dispose of this writ petition directing that Ext.P2 application that has been made by the petitioner shall be considered and dealt with by the 6th respondent on its merits, as expeditiously as possible, at any rate within four weeks of receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment before the 6th respondent for compliance.

ANTONY DOMINIC, JUDGE.

Rp